

## Testimony of Michael Sinay

### For Montgomery County Council Meeting, February 28, 2023

I am a member of the Potomac Highlands Community. My property abuts the Watts Branch Creek and is served by a septic system. Due to the lot's proximity to the creek, my system and those of my neighbors most certainly discharge nitrogen and other pollutants into the stream, the Potomac, and the Chesapeake Bay.

#### **A Vote to Approve Today's Recommendations Equal a Vote to Deny Justice**

The recommendations to defer requests my neighbors and I submitted amounts to an obvious denial. Your approval for **deferral** will mean these applications will be returned to you shortly with a recommendation for **denial** after the State of Maryland finally approves the latest revisions to the Water and Sewer Plan.

We hope you will put yourselves in our shoes and prevent the harm that would come from the recommendations to defer our requests. A vote to approve will signify your disregard of public health, economic welfare of County taxpayers, and the State of Maryland's commitments to clean up the Chesapeake Bay

#### **Rationales for My Request**

I strenuously object to the recommendations and request your support for immediate APPROVAL of my application and those of my neighbors of Carriage Court. In making this request, I ask what you would do if the County identified your property as a hazard to your health and a threat to value and use of the property itself, but then said you could not remedy the problem?

My request for support has three compelling rationales:

1. **At the time we submitted applications, Carriage Court properties were eligible for a category change** allowing sewer service under the Potomac Peripheral Policy (PPP) because we are on the border of existing sewer service and directly abut the main Watts Branch sewer line that runs behind our properties. At that time, PPP eligibility **did not exclude** Carriage Court because we are in the Rockville Expansion Zone. The exclusion apparently was inserted in the revised plan to deny us sewer service. Our applications were submitted in January of 2022. The exclusion being used to defer and deny our applications were included in the October 5, 2022 revision of the Plan. Our applications should be "grandfathered," and reviewed under the terms of the Plan as written when our applications were submitted.
2. **Carriage Court properties are suitable for continued sue of septic systems**, as shown on the map included as Figure 1. The yellow markings indicate areas shown to be "constrained," meaning, **likely not to qualify for septic system replacement**. This term is used in the 2017 North Overlea Septic Survey report released to property owners. Unfortunately, a measure sponsored by then Council Member Elrich prevented DEP from recommending the necessary



